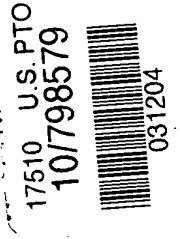




Atty. Dkt. No. 081356-0210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kazuko SHINOZAKI et al.
Title: ***PRODUCTION OF PLANTS HAVING IMPROVED ROOTING EFFICIENCY
AND VASE LIFE USING STRESS-RESISTANCE GENE***
Appl. No.: Unassigned
Filing Date: March 12, 2004



UTILITY PATENT APPLICATION
TRANSMITTAL

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the nonprovisional utility patent application of:

Kazuki SHINOZAKI
Naoyuki UMEMOTO
Kanji MAMIYA
Toshihiro TOGURI

Enclosed are:

- [X] Specification, Claim(s), and Abstract (52 pages).
- [X] Formal drawings (94 sheets, Figures 1-12).
- [X] Declaration and Power of Attorney (4 pages).
- [X] Petition To Accept Color Photographs Under 37 CFR 1.84.
- [X] Sequence listing – paper (42), computer readable form (1 disk)
- [X] Statement that paper and disk text are identical (1 pg)
- [X] Application Data Sheet (37 CFR 1.76).

The filing fee is calculated below:

| | Claims as Filed | | Included in Basic Fee | | Extra Claims | | Rate | | Fee Totals |
|---|--------------------|---|-----------------------------|-----|-----------------|--|--------------------------------------|---|---------------|
| Basic Fee | | | | | | | \$770.00 | = | \$770.00 |
| Total Claims: | 10 | - | 20 | = 0 | x | | \$18.00 | = | \$0.00 |
| Independents: | 2 | - | 3 | = 0 | x | | \$86.00 | = | \$0.00 |
| If any Multiple Dependent Claim(s) present: | | | | | + | | \$290.00 | = | \$0.00 |
| | | | | | | | SUBTOTAL: | = | \$770.00 |
| [X] | | | | | | | Petition to Accept Color Photos fee: | = | \$130.00 |
| | | | | | | | TOTAL FILING FEE: | = | \$900.00 |

- [X] A check in the amount of \$900.00 to cover the filing fee is enclosed.
- [] The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,


Date

March 12, 2004

By

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 Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kazuko SHINOZAKI et al.
Title: PRODUCTION OF PLANTS HAVING
IMPROVED ROOTING EFFICIENCY AND VASE
LIFE USING STRESS-RESISTANCE GENE
Appl. No.: Unassigned
Filed: 03/12/ 2004

PETITION TO ACCEPT COLOR PHOTOGRAPHS UNDER 37 CFR 1.84

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR 1.84(a)(2), Applicants petition for the acceptance of Figs. 10 and 12 (color photographs) to be entered in the above-captioned application.

In support thereof, Applicants submit:

- I) A fee in the amount of \$130.00 as is set forth under 37 CFR 1.17(h);
- II) Three (3) sheets each of Figs. 10 and 12 (in color);
- III) A black and white photocopy that accurately depicts, to the extent possible, the subject matter illustrated in the color drawing; and
- IV) An amendment to the specification indicating that the application contains color photos.

In the Specification:

On page 1, directly beneath the title, please insert the following

--The application contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.--

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REMARKS

Figure 10 depicts the rooting ability of non-transformants and rooting ability test upon production with scions.

Figure 12 shows the vicinity of the cut ends of non-transformants and day 22 after the start of a vase life.

The rooting ability, rooting ability test, cut ends and day 22 after the start of vase life test results are best depicted against a colored background because the latter enhances the visual contrast, which otherwise might be indistinct.

Respectfully submitted,

Date March 12, 2004

By Michael M. Akko
Reg No. 34,717

FOLEY & LARDNER, LLP
Customer Number: 22428



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